



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Brown Attorney Docket No.: HERO-1-1025
Serial No.: 09/422,046 Group Art Unit: 2761
Filing Date: October 20, 1999 Examiner: A. Kalinowski
Title: REMOTE HEALTH MONITORING AND MAINTENANCE SYSTEM

DECLARATION UNDER 37 C.F.R. § 1.131

TO THE COMMISSIONER OF PATENTS:

I, Stephen J. Brown, do hereby declare that:

1. I am the inventor of the above-identified application.
2. During the pendency of the above-identified patent application the Patent Office has cited U.S. Patent No. 5,339,821 to Fujimoto as a prior art reference. The Fujimoto reference has an effective date of October 26, 1992 in the United States.
3. I invented the subject matter claimed in the above application, including those claims amended and newly added in the accompanying response and amendment, prior to the effective date of the Fujimoto patent.
4. Prior to the effective date of the Fujimoto reference, I received a draft of the patent application (copy enclosed with blackened out dates) from Mr. Jim Anable at Christensen O'Connor Johnson & Kindness. Soon after that time and still prior to the effective date of the Fujimoto reference, I sent a letter (copy is enclosed and dates are blackened) to Mr. Jim Anable replying to the draft patent application that he sent.
5. On November 17, 1992 I had instructions delivered to Jim Anable to file the application.
6. Mr. Jim Anable assured me that during the time interval between when I sent my comments regarding the application draft and when he generated a final draft of the application he diligently worked toward filing of the application.

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7. Pursuant to the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.

Dated this 30 day of September, 2003.



Stephen J. Brown

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